

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

\$7,105 IN UNITED STATES CURRENCY

Defendant-in-rem.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/3/08

07 Civ. 8802 (DLC)

STIPULATED CASE
MANAGEMENT PLAN
AND SCHEDULING ORDER

DENISE L. COTE, District Judge:

This Case Management Plan and Scheduling Order is adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Pursuant to Fed. R. Civ. P. 26(a)(1)(E), this forfeiture *in rem* action is exempt from the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1).
6. All fact discovery shall be completed no later than May 19, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the Southern District of New York (the "Local Rules"). The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that the parties all fact discovery is completed by the date set forth in paragraph 5 above.
 - a. Initial requests for production of documents and responses to such requests to be served by April 4, 2008. The Government has served its requests.
 - b. Initial interrogatories (as contemplated by Local Rule 33.3(a)) and responses to such interrogatories to be served by April 4, 2008. The Government has served its initial interrogatories. Interrogatories seeking the claims and

contentions of the opposing party (as contemplated by Local Rule 33.3(c)) to be served by April 21, 2008 (30 days prior to the close of fact discovery).

c. Depositions to be completed by May 3, 2008.

d. Requests to Admit to be served no later than May 10, 2008.

8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by July 14, 2008.

a. Expert(s) of Plaintiff: June 16, 2008

b. Expert(s) of Claimant: June 30, 2008

9. Motions: All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements. Summary Judgment or other dispositive motions are due at the close of discovery.

10. All counsel must meet at least one hour to discuss settlement not later than June 2, 2008 (i.e., not later than two weeks following the close of fact discovery).

11. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Fed. R. Civ. P. 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall also be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed-upon submission.

12. Counsel for the parties have conferred and their present best estimate of the length of the trial is two trial days.

TO BE COMPLETED BY THE COURT:

13. Other instructions to the parties:

14. The post-discovery status conference is scheduled for June 20, 2008 at 10:30 am.

SO ORDERED.

Dated: New York, New York
April 2, 2008



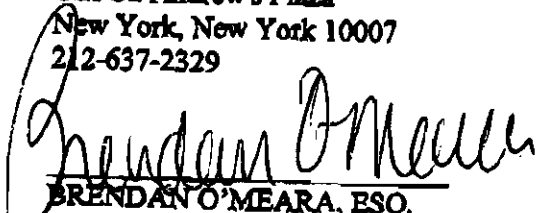
DENISE L. COTE
United States District Judge

CONSENTED TO:

MICHAEL J. GARCIA
United States Attorney
Southern District of New York
Attorney for the United States

By: 

SHARON E. FRASE
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
212-637-2329

DATE 4/2/08

BRENDAN O'MEARA, ESQ.
304 Grand Concourse
Bronx, New York 10702
Attorney for Claimant
718-585-2318

DATE 4/2/08

Attorneys for Claimant